

FY 2017

California
Occupational Safety
and Health Program



Juliann Sum
Chief DOSH

Debra Lee
Deputy Chief,
Cal/OSHA Enforcement

Cora Gherga
Assistant Chief,
Cal/OSHA Enforcement Administration

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EXECUTIVE SUMMARY

The Cal/OSHA annual report documents progress toward achieving the Cal/OSHA strategic vision of becoming a model agency that promotes workplace safety and health by motivating employers and employees to be actively involved in preventing hazards, which would lead to reduced injuries and illnesses on the job.

The role of Cal/OSHA is to enforce safety and health regulations for employers who are not in compliance with the law through enforcement efforts, and to provide compliance assistance through targeted outreach, education and training and to emphasize increased awareness on the part of both employers and employees of the importance of a safety and health culture.

Cal/OSHA strives to provide as many employers as possible with assistance in achieving voluntary compliance with Cal/OSHA standards before enforcement measures become necessary—and, more importantly, before an employee is injured or killed. Traditional enforcement methods are supplemented by incentive and education programs and targeted outreach that encourage voluntary compliance. Partnership and cooperative programs leverage Cal/OSHA's resources.

In accordance with the requirements of the Government Performance and Results Act (GPRA), California developed a Five-Year Strategic Plan covering the period 2013 through 2017. The Five Year Strategic Plan incorporated the three federal OSHA goals as its direction. The three overall strategic goals are:

- Goal 1. Secure safe and healthy workplaces, particularly in high-risk industries, and improve workplace safety and health through enforcement and consultative assistance.
- Goal 2. Promote workplace cultures that increase employer and employee awareness of, commitment to, and involvement in safety and health.
- Goal 3. Maximize Cal/OSHA's effectiveness and enhance public confidence.

The Fiscal Year (FY) 2017 Annual Performance Plan developed by Cal/OSHA was intended to support the overall goals of the five-year Strategic Plan. The 2017 Performance Plan included specific performance goals designed to produce measurable progress toward realization of Cal/OSHA's strategic goals. Performance goals include:

- ⇒ Reducing fatalities and occupational injuries in construction and agriculture;
- ⇒ Reducing injuries, illnesses and fatalities in selected high hazard industries with a goal of removing the industry from the High Hazard Industries list due to decreased injury and illness rates;
- ⇒ Reducing fatalities and occupational injuries and illnesses in petroleum refineries and other industries which fall under the requirements of the Process Safety Management standard;
- ⇒ Raising awareness of heat illness prevention among employees and employer groups in outdoor places of employment;
- ⇒ Improving communication and interaction with high-risk worker organizations regarding workplace safety and health;
- ⇒ Promoting voluntary compliance by offering employers a variety of partnerships including recognition and exemption programs; and
- ⇒ Responding effectively to mandates regarding timely investigation of fatalities and issuance of citations so that workers are provided full protection under Cal/OSHA.

This annual report for Cal/OSHA Enforcement reflects the integrated approach to achieving goals which were stated in the Cal/OSHA Strategic Plan. Cal/OSHA Enforcement programmed and self-referral activities have continued to be coordinated to ensure the greatest impact on selected industries with the highest preventable injury, illness and workers' compensation rates.

FFY 2017 ACCOMPLISHMENTS

After several years of challenges posed by budgetary constraints at State and Federal level, that created obstacles for Cal/OSHA in hiring personnel, in most recent years the Department of Industrial Relations (DIR) and Cal/OSHA were successful in obtaining State authorization and funding for significantly increasing staffing. Each consecutive year starting July 2013 authority was granted initially to backfill previously vacant positions, then to establish new positions in Enforcement and Enforcement-support units. Most recently, starting on July 1, 2017, Cal/OSHA obtained approval and funding for 13 new positions to expand the existing Program Safety Management (PSM) non-refinery inspection program.

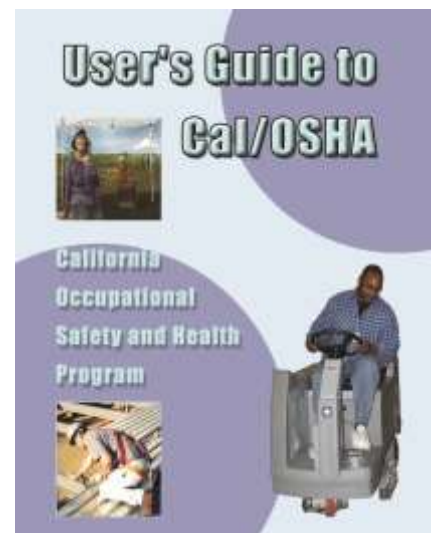
During this past fiscal year, Cal/OSHA in collaboration with the Occupational Safety and Health Standards Board developed, proposed, amended and promulgated a significant number of regulations, some of which are the first in the nation, broadening the range of hazards from which workers are to be protected.

One of the most notable accomplishments of the past year was the adoption of the most protective regulation in the nation for the safety and health of refinery workers and surrounding communities. The approved regulation introduced new refinery safety orders to the state's labor code, which will help ensure California's oil refineries are operated with the highest level of safety possible.

Cal/OSHA continued to strengthen its outreach efforts. Previous fiscal years' budgets restricted the ability to maintain a dedicated unit that drafted educational materials, however, in FFY 2017, Cal/OSHA reactivated the Publications Unit (formerly named Research and Education Unit) and dedicated two permanent full-time positions to writing publications. Educational materials are primarily drafted or edited by 23(g) staff members in the Publications Unit. The draft documents are then further reviewed and edited by Research and Standards staff, the Cal/OSHA Legal Unit, senior management, Cal/OSHA leadership, and lastly by the DIR Public Information Office and selected stakeholders.

Publications that are currently being developed and updated include:

- Aerosol Transmissible Disease (ATD) Guide and Model Program
- Cal/OSHA Handbook Users Guide
- Confined Space Hazard Alert
- Construction Silica Exposure Fact Sheet
- Hazardous Communication Guide
- Heat Illness Prevention Plan (HIPP) eTool
- Injury and Illness Prevention Program (IIPP) eTool
- Model Chemical Hazard Communication Program (HAZCOM) for Restaurants
- Occupational Exposures to Respirable Crystalline Silica
- Power Press Safety Fact Sheet
- Respiratory Protection in the Workplace
- Safety and Health in Agricultural Field Operations
- Safety and Health Protection on the Job (Cal/OSHA Poster)
- Violence in Health Care Fact Sheet

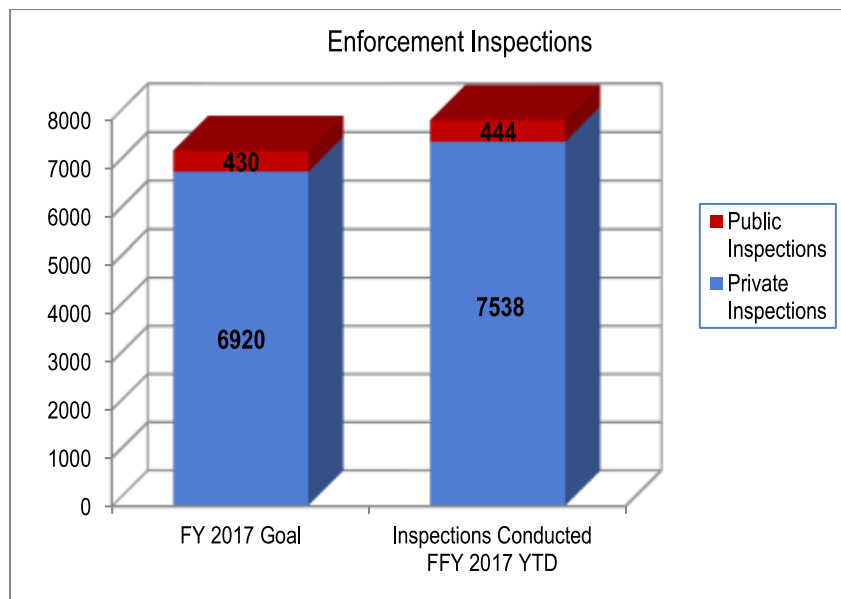


Last year's achievements in the training and professional development of Cal/OSHA staff continued throughout FFY 17, by ensuring that newly-hired or promoted compliance personnel completed the training requirements for new compliance officers, new managers, and senior professional staff. This was accomplished by coordinating and facilitating a significant number of training courses over the fiscal year.

Another area of continued progress has been the updating, reorganization, and expansion of instructional materials and guidance information on Cal/OSHA’s internet pages (for stakeholders and public), and intranet pages (for staff).

Enforcement and Outreach/Educational Activities

As illustrated in the table below, this Federal fiscal year, Cal/OSHA Enforcement opened 7,982 inspections, exceeding the goal to conduct 7,350 inspections. The aforementioned inspections comprised of 7,538 private industry inspections and 444 public sector inspections. During this time, Cal/OSHA identified over 20,567 hazards, potentially affecting the estimated 3.1 million workers employed at these establishments. Of the hazards identified, 4,569 resulted in serious, 32 resulted in willful, 123 in repeat, and 37 in failure-to-abate citations¹.



While enforcement activities are critical to the Cal/OSHA program, educational outreach is also a valuable component to the success of fulfilling its mission. To achieve this, Cal/OSHA has a dedicated enforcement Outreach Coordination Program, which includes a Bilingual Outreach Team (BOT). The program focuses on providing educational outreach to high-risk, vulnerable employee populations.

In FFY 2017, Enforcement Branch staff and BOTs provided educational outreach to small and large audiences, including those from unions, other worker-based organizations, university programs, professional organizations, Mexican Consulates, and organizations serving persons who speak Spanish.

Topics covered during these outreach events include agricultural safety, construction safety, heat illness prevention, tree worker safety, worker’s rights, and other industry specific topics.

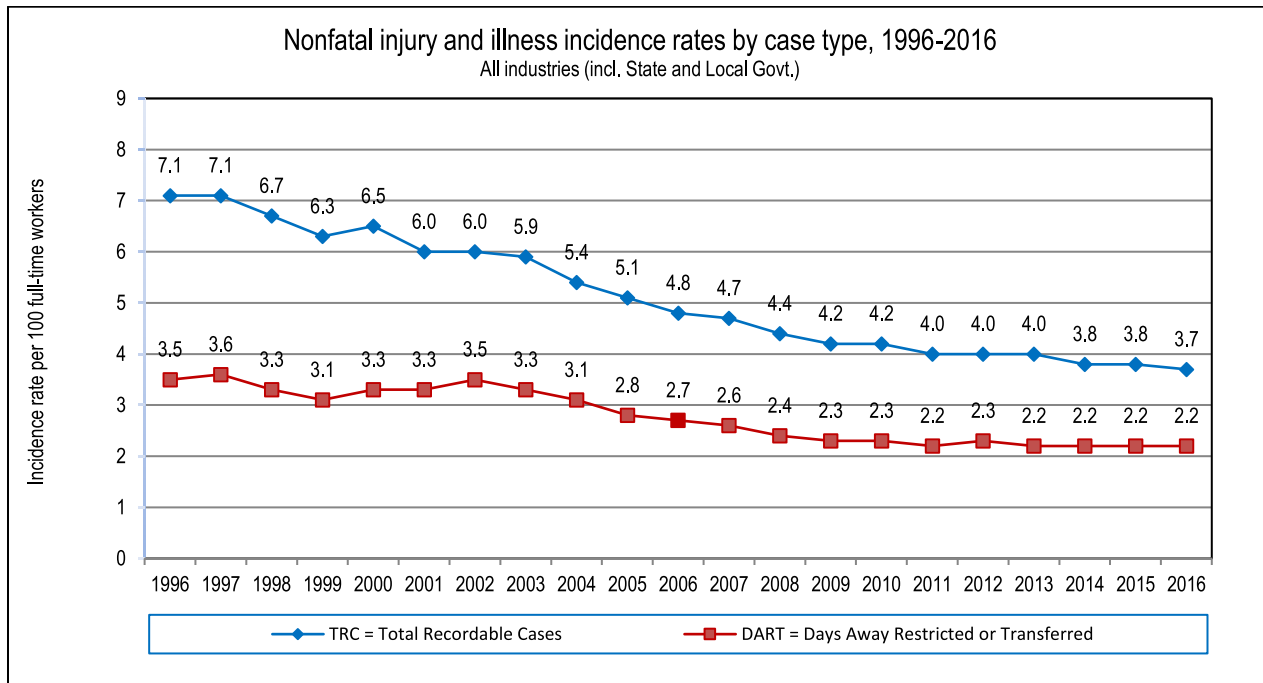
¹ OIS Inspection and Scan Summary Reports dated December 14, 2017.



In FFY 2017, Cal/OSHA established a Recruiting Committee that was comprised of managers and senior professional staff who worked diligently to develop professional appearing marketing tools and identify locations to attract prospective safety engineers and industrial hygienists. Throughout FFY 2017, Cal/OSHA attended and participated in dozens of professional association and societal events, and university job/career fairs. These target rich environments allowed Cal/OSHA to successfully educate and recruit prospective applicants for the program.

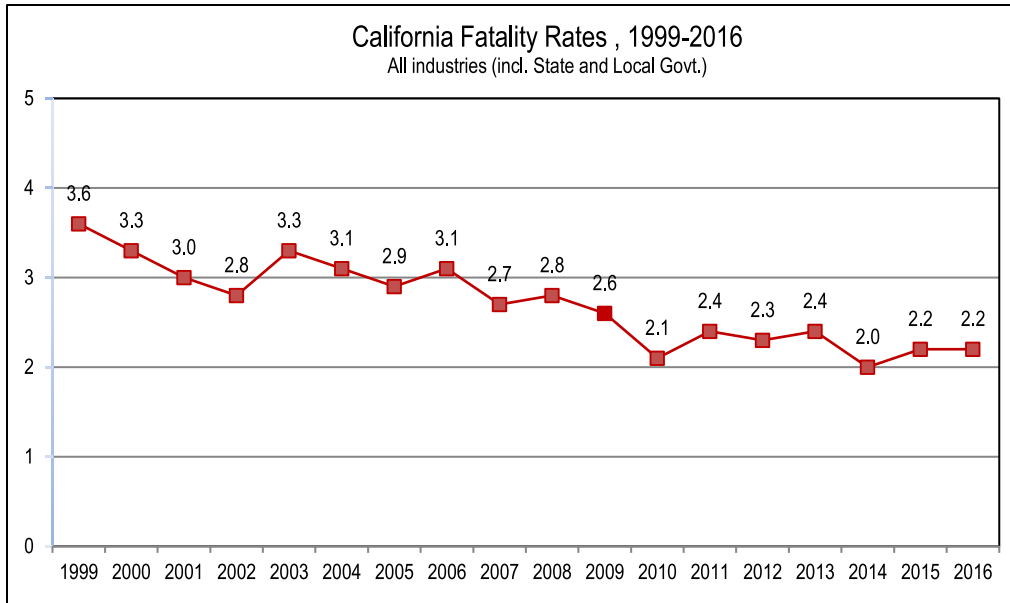
Injuries, Illnesses and Fatalities

Cal/OSHA believes these combined enforcement and educational efforts have contributed to reducing California's already low on-the-job total recordable case (TRC) injury and illness incidence rate of 3.7² in CY 2016. Please see the following graph.



² Table 1. Incidence rates of nonfatal occupational injuries and illnesses by selected industries and case types, 2016 at www.dir.ca.gov/OPRL/Injuries/2016/2016Table1.pdf.

As reported by the Census of Fatal Occupational injuries (CFOI), the rate of fatalities for CY 2016 remained steady at 2.2³ per 100,000 full-time equivalent (FTE) workers).



California's CY 2016 fatality rate of 2.2 is also lower than the national rate of fatal work injuries for civilian workers in CY 2016 of 3.6 per 100,000 full-time equivalent (FTE) workers⁴

The tables below provide a quick comparison of fatality rates between the national and California data by industry type, and show that except for transportation/utilities and public administration, the fatality rates in all other industries were equal to or lower than the national average.

California Fatality Rates

Fatality Rate	Overall Rate	Ag, forestry, fishing & hunting	Const	Mfg	Transportation & Utilities	Whsle. and retail trade	Prof. and business services	Educ. and health services	Leisure and hospitality	Other services, except public admin.	Public Admin
2015	2.2	17.1	6.8	1.0	4.9	1.4	2.3	0.7	1.5	1.6	3.0
2016	2.2	10.4	5.2	1.1	7.4	1.9	1.5	0.5	1.7	2.5	2.3

National Fatality Rates

Fatality Rate	Total	Ag, forestry, fishing & hunting	Const	Mfg	Trade, Transportation & Utilities	Whsle. and retail trade	Prof. and business services	Educ. and health services	Leisure and hospitality	Other services, except public admin.	Gov't.
2015	3.4	22.8	10.1	2.3	4.9	n/a	3.0	0.7	2.0	3.0	1.9
2016	3.6	23.2	10.1	2.0	5.2	n/a	3.1	0.7	2.6	3.2	2.2

³ Fatal injury rates by state of incident and industry, 2016, available at www.bls.gov/iif/oshwc/cfoi/staterate2016.htm.

⁴ Fatal occupational injuries, total hours worked, and rates of fatal occupational injuries by selected worker characteristics, occupations, and industries, civilian workers 2015 available at <https://www.bls.gov/iif/oshcfoi.htm#rates>

Occupational Safety and Health Appeals Board (OSHAB) Accomplishments

Litigation: The Board prevailed in all twelve cases concluded in 2017 at the Superior Court level. The Superior Court affirmed the Board's decisions being challenged. No cases involving the Board were decided by an appellate court in 2017.

Pilot Project: In third quarter 2017, the Board initiated a pilot project to assess the effect of changing the way an appealing employer finalizes or "perfects" its appeal. Existing procedure requires the employer to send the Board a copy of the citation or citations being appealed, and if the employer fails to do so, its appeal is often dismissed. The procedure being tested involves having the Division of Occupational Safety and Health (Division), as well as the employer, send the citation(s) to the Board. The Division has the citation(s) as it is the issuing agency. The goal is to reduce the number of appeals dismissed because the employer does not send the citation documents. The project is intended to determine the ability of the Division to send the citations.

Stakeholder Training: In July 2017, the Board held three full-day training sessions for its stakeholders, i.e. for enforcement personnel, employers, and advocates for both. Board administrative law judges conducted the training in San Diego, Los Angeles and Oakland. The sessions were well received by the more than 100 stakeholders in attendance.

Training Manual for New ALJs: In 2017, the Board developed a new training manual for administrative law judges as they join the Board. The manual contains helpful references and key administrative procedures.

OASIS Portal Usage: In October 2016, the Board activated a new electronic "portal" or filing option for employers to use in filing appeals. During 2017 (as of early December 2017) approximately 61 per cent of all appeals were filed electronically, the remainder by mail.

Efficiency: The OASIS case management system, which has been in place for little more than a year, is improving the Board's efficiency in resolving appeals. While each case is unique, counting all Settlement Orders and Decisions of Administrative Law Judges, the Board has greatly reduced the average time for a case to travel from docket date to resolution. Pre-OASIS, the Board's average case resolution time was 233 days, while to date in 2017, the average is 102 days.

SPECIAL INITIATIVES

Heat Illness Prevention

According to the National Oceanic and Atmospheric Administration (NOAA) the summer of 2017 saw average summer temperatures in the U.S. at 1.3 degrees above average. The summer of 2017 was California's second consecutive record warm summer and its last four summers are among its five warmest.

The Cal/OSHA program continued its highly effective heat illness prevention program in 2017. The program combines a multifaceted approach that includes components of education and focused enforcement.

Cal/OSHA has worked alongside agricultural and construction industry groups, insurance carriers and others in 2017 in order to provide highly effective training and outreach to employers, supervisors and work crews on heat illness prevention. By the end of FFY 2017, Cal/OSHA staff participated in over 150 events in which heat illness was discussed.



As in past years, bilingual training efforts were augmented with television interviews, and regular participation in radio programs to raise awareness of the Cal/OSHA program, how to file a complaint, heat illness prevention and field sanitation issues.

In addition to issuing six heat advisories, the outreach campaign included multilingual public service announcements on approximately 58 billboards, 78 wall posters, 56 lunch trucks and 15 moving vans in areas extending from Yuba City through the Central Valley. More than 4,500 multilingual ads in Spanish, Hmong and Punjabi aired on nearly 20 radio stations in the target areas as well.



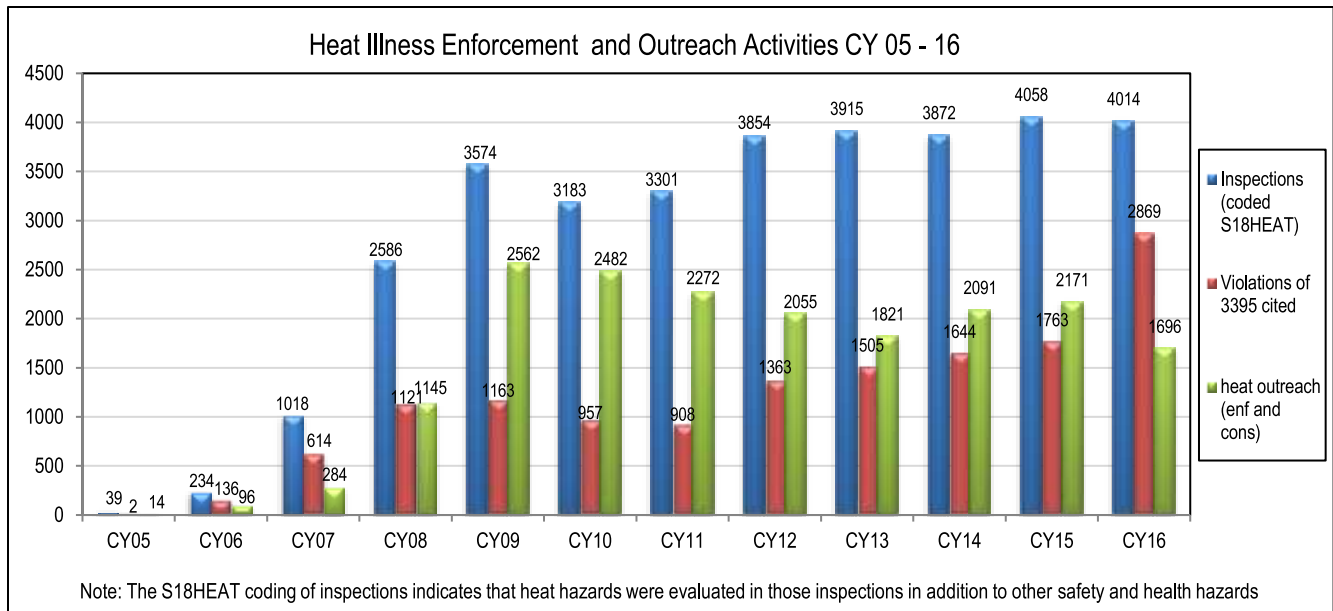
Outreach materials and resources continued to be highly useful in assisting both employees and employers in the prevention of heat-related illness and death. Many of these materials are available online at either the Cal/OSHA heat page at: <http://www.dir.ca.gov/dosh/heatillnessinfo.html> or at the Cal/OSHA heat campaign outreach page located at <http://99calor.org/english.html>. It is important to note that both web pages are available in either an English or a Spanish format, and that many of the individual products are also available in Hmong, Mixteco, and Punjabi.



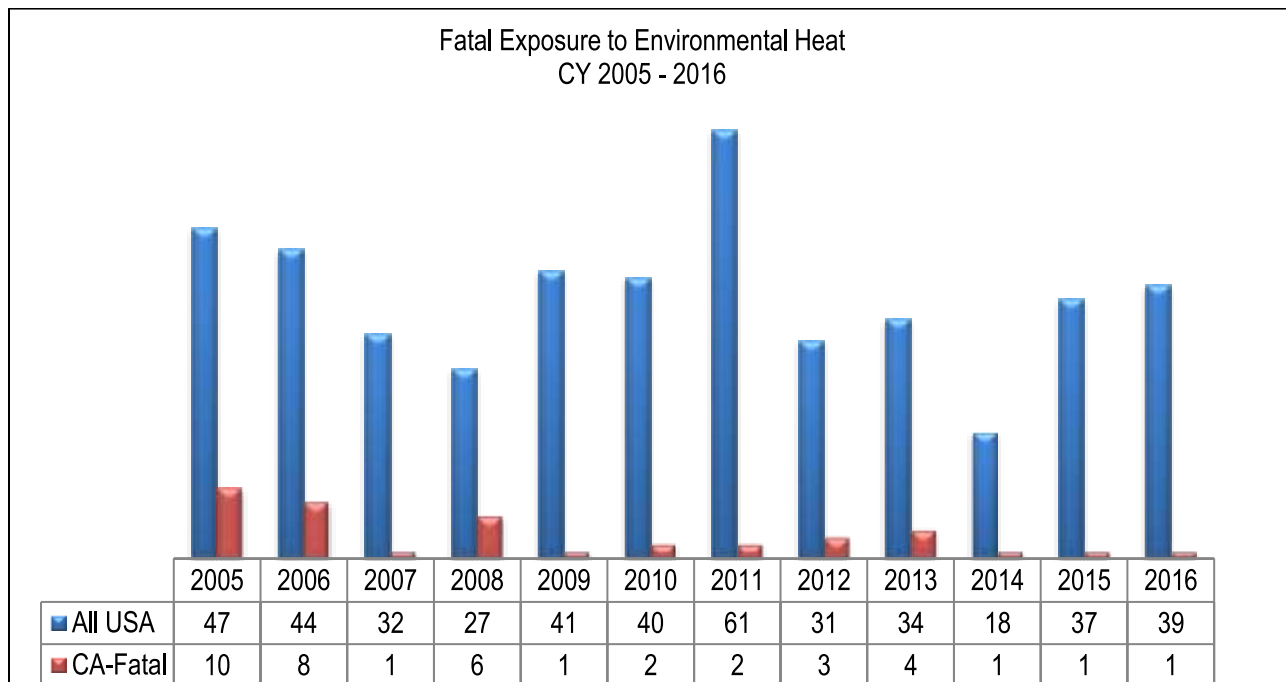
Compliance with the heat standard last revised in 2015 was addressed during inspections of industries with outdoor employment throughout the year. Peak enforcement times paralleled summer heat events.

The overall compliance rate for 2017 will not be calculated until all of the 2017 cases have been closed. The overall compliance rateⁱ in 2016 was 60.2%; compared to 63.3% in 2015.

The following graph represents the year round enforcement and outreach activities from calendar year (CY) 2005 through CY 2016.

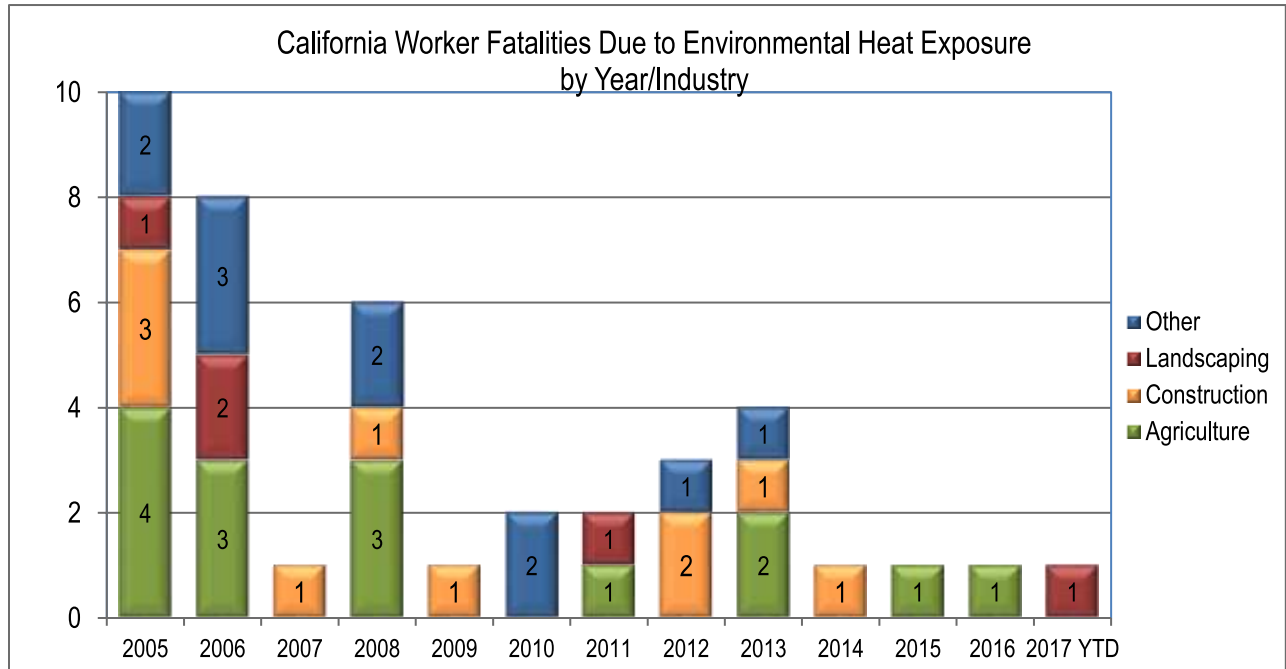


In CY 2016, there was one confirmed heat related fatality compared to 10 in CY 2005, when the initial emergency standard was passed. California has seen a 90% decrease in heat related fatalities in the workplace since CY 2005, while the nation as a whole, as reported in BLS statistics, has experienced a 17% decrease in reported heat fatalities during this same time, from 47 to 39.^[1] Please see the graph below.



[1] The national statistics may not be entirely comparable in that they may include cases of indoor heat-related fatalities, while California's are focused on outdoor heat cases. "USA" Source: United States Department of Labor - Bureau of Labor Statistics

To date for 2017, California has had one medically-confirmed fatality case related to outdoor heat exposure. Four suspect heat fatalities are pending medical records review as of this writing. Final enforcement outcomes are still pending at this time. The following table indicates the distribution of fatalities due to outdoor heat exposure, by industry, for the 2005-2017 YTD period.



Tree Work Safety Emphasis Program

Following several tree-trimming workplace fatalities, in January 2017 Cal/OSHA launched a safety awareness campaign aimed to protect the lives of tree service workers. Employers in this high-risk industry need to be aware of, and take steps to minimize, the hazards to their workers.

As part of the Tree Work Safety Emphasis Program, Cal/OSHA uses the combined approach of awareness campaign and making resources available for employers and employees, including a Tree Work Safety Guide, fact sheet and checklist, and enhanced enforcement, with Cal/OSHA inspectors throughout the state investigating possible violations when they observe unsafe tree trimming or tree removal operations, in addition to inspections of complaints and accidents.



Communicating with the Limited and Non-English Speaking Workforce

Direct communication with limited and non-English-speaking workers and their employers continues to be a high priority for Cal/OSHA. Starting in 2002, Cal/OSHA sought to overcome language barriers between Cal/OSHA staff and the limited and non-English speaking workforce by increasing the number of in-house certified bilingual employees, which at the time were 26. By December 2017, Cal/OSHA's bilingual staff (in various languages) had risen to 64 employees who passed the state's language certification exam. These efforts were supplemented by contracting with an external translation service, providing a network of native-speaking language interpreters telephonically available for over 100 languages and dialects for those instances where an in-house bilingual employee was not readily available or staff was unable to identify the language spoken.

Cal/OSHA's commitment to serve the growing number of limited and non-English-speaking workers in California was reaffirmed in 2011 by the introduction of the Language Learning Project. The Cal/OSHA Language Learning Project provides tuition fees, books, and paid study time for employees interested in learning a second language after work hours at a community college, UC/CSU extension, or other local provider (on-line courses excluded). Cal/OSHA continued to make this program available to employees in FY 2017. Although Spanish is the current priority, Cal/OSHA is also considering other languages in the future as well.

Professional Training and Certification

The Professional Development and Training Unit (PDTU) is responsible for administering the Professional Development and Training Program. The goal of the program is to assist Compliance Safety and Health Officers (CSHOs) and their supervisors with direction, guidance, and training options that directly contribute to their ability to perform their duties and represent Cal/OSHA with a high degree of professional expertise.

In early CY 2017, the PDTU experienced a major overhaul. The unit was placed under the Program Manager for Communications and Strategic Planning who established a new vision, developed a strategic plan, and augmented the unit's resources by hiring additional staff members to implement the newly established vision and critical objectives. These changes supplemented the revitalization that previously occurred in 2011.

Throughout FFY 2017, the PDTU worked tirelessly to plan, forecast, schedule, and deliver training to meet the training needs of managers, senior professional staff, and CSHOs throughout the state. Training included both in-service courses and online webinars that were conducted by Cal/OSHA staff, and out-service courses taught by academic institutions, professional organizations, and highly-respected professionals who are experts in their field.



During FFY 2017, the PDTU coordinated and facilitated 52 total courses, comprised of both mandatory and technical training courses and webinars, that a total of 1971 managers, senior professional staff, and CSHOs participated in.

As in previous years, the PDTU and Cal/OSHA leadership continue to encourage and support qualified staff in obtaining professional certifications. Staff that elect to participate in these opportunities are reimbursed tuition, books, and other related fees and expenses.

PARTNERSHIPS / COMPLIANCE ASSISTANCE

Employment Education and Outreach (EMPLEO)

The Employment Education and Outreach (EMPLEO) was established as an alliance to provide Spanish-speaking employees and employers with information on federal and state workplace laws. This partnership is two-fold: helping workers know what rights and protections they have, and helping employers know what resources there are available to them. Partners in the EMPLEO program include the U.S. Department of Labor's Wage and Hour Division; OSHA; the U.S. Equal Opportunity Commission; California Division of Labor Standards Enforcement; Cal/OSHA; the consulates of Mexico, El Salvador, Guatemala, Honduras, Nicaragua and Costa Rica; the regional Hispanic Chamber of Commerce; and the Coalition of Human Immigration Rights in Los Angeles, among others.

Cal/OSHA is proud to be part of this program since its inception in 2004, providing information and assistance to Spanish-speaking workers and employers regarding their rights and responsibilities, and responding to workplace complaints.

Alliance with the Mexican Consulates

In 2016 DIR signed a two-year alliance agreement between the Department of Industrial Relations' (DIR) Cal/OSHA and the Mexican Consulates in California, to assist in educating Mexican workers on their labor rights.

For the ninth year, DIR joined the Mexican Consulates in launching the annual Labor Rights Week, during which DIR and its representatives from Cal/OSHA, the Labor Commissioner's Office and Division of Workers' Compensation participated in seminars at all ten Mexican Consulates across the state.



Cross Referrals with the Division of Labor Standards Enforcement (DLSE)

Under California law, the Division of Labor Standards Enforcement (DLSE) has responsibility for investigating worker complaints related to unpaid wages, lack of rest breaks, and other labor law violations. Unlike the federal system, DLSE – not Cal/OSHA – is responsible for investigating worker complaints of retaliation, reprisal and discrimination by employers against employees who express concern about and/or contact Cal/OSHA regarding unsafe and unhealthy working conditions.

In May 2012, DLSE and Cal/OSHA established a streamlined system involving new forms and a centralized processing point for cross-referrals between the two agencies so that all referrals are logged and tracked. Cal/OSHA refers complaints of labor law violations and employer discrimination to DLSE, while DLSE refers worker complaints, and the observations of its own employees conducting DLSE inspections of work sites, regarding unsafe and unhealthy working conditions to Cal/OSHA. The new procedures have resulted in more reliable and rapid cross-referrals between Cal/OSHA and DLSE.

During the FY 2017, the cross referral process continued for the benefit of the workers covered by these two Divisions of the Department of Industrial Relations, with Cal/OSHA forwarding 98 referrals for investigation to DLSE (89 concerning labor law violations, and nine concerning employer retaliation and discrimination), and receiving four referrals from DLSE concerning working conditions.

SIGNIFICANT CASES

Cal/OSHA investigated many noteworthy cases during FY 2017. Some of these include:

Citations to Solar Panel Installer for Willful Fall Protection Violations

Elite Electric Inc. (#1155351)

On November 16, 2016, the Cal/OSHA San Bernardino district office issued one general, three serious and one willful citations, with total penalties of \$130,125 to Elite Electric Inc., for a jobsite located in Fontana, California. On June 13, 2016, a worker suffered critical injuries when he fell 29 feet through a skylight while installing solar panels on a roof, without fall protection systems in place.

The general violation was for a drinking water provision failure, while the serious citations were issued for lack of protection against falls through chute and hatchway openings, failure to provide fall arrest systems to employees exposed to unguarded roof edges, and for failing to implement provisions of the Injury and Illness Prevention Program with respect to fall hazards which contributed to the accident. The willful accident-related violation was issued for failure to protect employees working within six feet of the skylights from falling through the skylights, even though the employer had charged the building owner, and had been paid for, the fall protection equipment.

Citations to Property Management Company in Aerial Lift Tip Over

Village Management Services, Inc. (#1168188)

On January 31, 2017, the Cal/OSHA Santa Ana district office issued three general and seven serious citations, four of which were designated as accident-related with total penalties of \$108,830, to Village Management Services, Inc., located in Laguna Woods, California. On August 8, 2016, a worker suffered fatal injuries when the elevated aerial lift from which he was working on a sloped surface tipped over.

The general violations related to fall protection inspection deficiencies, testing of the lift controls and use of wheel chocks for the lift. The serious citations were issued for failing to implement provisions of the Injury and Illness Prevention Program with respect to identifying hazards associated with the use of aerial lifts, failing to perform maintenance of the lift as recommended by the manufacturer, and for not providing fall protection for employees in an elevated basket of an aerial lift. The accident-related violations were for failures to address the hazards associated with the use of the elevated aerial lift on sloped surfaces.

Citations in Fatal Trash Compactor Accident

Goodwill Industries of Sacramento Valley & Northern Nevada, Inc. (#1181199)

On March 30, 2017, the Cal/OSHA Sacramento district office issued two general, three serious and one willful citations, with total penalties of \$106,675 to Goodwill Industries of Sacramento Valley & Northern Nevada, Inc., located in Sacramento, California. On September 30, 2016, a worker was fatally injured when his head was pinned between a stationary compactor and a trash bin when the operator actuated and released the cable holding the trash bin from a roll-off truck.

The general violations addressed lack of definition of aisles and walkways in the warehouse where employees were exposed to forklift traffic, and the failure to develop operating instructions for the compactor. Two of the serious citations were issued for failing to guard the pinch points and shear points of a baler, and for failing to train employees in the safe operation of stationary compactors. The third serious citation, designated as accident-related, was for failing to ensure that the control of a hoist and tilt-frame trash collection truck was not be actuated with any employee in a position to be endangered by the movement resulting from the actuation. The willful violation, also designated as accident-related, was for not developing procedures to correct unsafe or unhealthy conditions in a timely manner, or preventing employees from operating the compaction equipment and the trash collection roll-off trucks until the

required procedures have been developed, even as the employer had been made aware that no procedures had been developed for operating the compaction equipment and the trash collection roll-off trucks ,and that untrained employees were allowed to operate the equipment.

Citations for Fatal Confined Space Accident

D & D Construction Specialties, Inc. (#1185893)

On April 21, 2017, the Cal/OSHA Los Angeles district office issued several citations, including three classified as willful, with total penalties of \$337,700 to D & D Construction Specialties, Inc., for a confined space accident at a jobsite in Los Angeles, California. On October 21, 2016, a construction worker suffered fatal injuries when he was lowered into a 50-foot drainage shaft and fell to his death.

A general contractor engaged in constructing a single family residence in a hilly area had hired the employer to install and service reinforced concrete posts (caissons) on the property. The D&D Construction employee was being lowered into a 50-foot deep concrete-lined drainage shaft, in a bucket attached to a mini crawler crane with no personal fall protection, to clean out mud and debris. After descending 10 feet into the shaft, the worker lost consciousness due to the oxygen deficient atmosphere, fell approximately 40 feet and drowned in one foot of water.

Employer received three general citations related to permit required confined space operations, unstable ground/working surface for a crane in use, and load testing of the crane. Six serious citations were issued, including for failing to determine the presence of permit-required confined spaces, to implement measures to prevent unauthorized confined spaces entries, to provide and ensure the use of equipment necessary for safe entries, to annually review the permit space program, for failing to train employees regarding confined spaces, and for allowing employees to ride on crane-suspended loads. Another serious citation, for failing to have rescue procedures, was designated as accident-related. The three willful serious citations, two of which were also designated as accident-related, were issued for failing to arrange for a standby person during permit-required space entries, for the failure to ensure safe entry into the confined space, and for not testing the environment in the shaft for atmospheric hazards, although the employer had been cited in the past for violating similar safety orders at a different construction site.

Citations to Explosive Manufacturer for Workplace Explosion

Pacific Scientific Energetic Materials Company (#1195899)

On May 26, 2017, the PSM North district office issued several citations, including three classified as willful, with total penalties of \$293,235 to Pacific Scientific Energetic Materials Company, located in Hollister, California. On December 1, 2016, a technician was seriously injured when the explosives-containing metal tubing that she was handling exploded, sending metal shrapnel flying in all directions.

Two general citations were issued, for failing to implement procedures contained in the Injury and Illness Prevention Program, and for failure to develop clear operating procedures for employees working with explosive materials. Employer also received four serious citations, for failing to perform a process hazard analysis for all the operations involving explosive materials, for failure to protect against overpressure and explosive fragments, for allowing use of equipment incompatible with the explosive materials, and for failure to provide eye/face protection to the employees handling explosive materials; the last three violations were designated as accident-related. The three willful citations were issued for failing to conduct a PSM process hazard analysis of the explosive handling operations, for failing to implement the existing procedures that required safeguards during work with explosives, and for failing to shield the employee's workstation while working with explosives; the last two violations were also designated as accident-related.

Citations to Foundry for Lead Exposures

P Kay Metal, Inc. (#1212380)

On August 21, 2017, the Long Beach district office issued one general and six serious citations with total penalties assessed \$101,315 to P Kay Metal, Inc., located in Vernon, California, as result of a complaint inspection.

The general violation was for the failure to effectively implement hazard identification and hazard correction provisions of the Injury and Illness Prevention Program. The serious citations were issued for failure to establish and implement a respiratory protection program for the employees exposed to lead, for failure to maintain flow rates for emergency eyewashes and showers, for failing to conduct air monitoring to determine employees' exposure to lead, for deficiencies of employer's lead compliance plan, for failure to maintain workplace areas free of lead dust, and for failure to provide medical surveillance and biological monitoring to employees exposed to lead.

Citations to Flooring Materials Manufacturer

Mannington Mills, Inc. – Burke Industries, Inc. (#1220329)

On September 28, 2017, the High Hazard North district office issued two regulatory, 16 general, 15 serious and one repeat serious citations with total penalties assessed \$290,230 to Mannington Mills, Inc. – Burke Industries, Inc., located in San Jose, California, as result of a programmed-planned high hazard inspection.

The regulatory citations were issued for failure to conduct periodic inspections of their energy control procedures and for failing to post operating rules for industrial trucks. The general citations were for failure to maintain space around electrical installations and provide working space to access electrical installations, failure to provide strain relief on flexible cords, ineffective injury and illness prevention program, using flammable liquids to wash walls in work areas, failure to provide adequate walkways/access to equipment, failure to secure machinery to prevent walking or moving, failure to ensure that employees wear hearing protection where required, failure to develop procedures for proper use and maintenance of respirators, failure to train employees on confined space procedures and evaluations of permit required confined spaces, failure to maintain emergency eyewash and shower equipment and for failure to label containers of hazardous materials. The serious citations were issued for failure to lock out/tag out equipment during repair work, deficient hazardous energy control procedures, lack of tongue guards on bench grinders, failure to provide machine controls on a pneumatic press, failure to guard rotating shafts and shaft ends, failure to guard belt and pulley drives, failure to prevent access to unguarded portions of saw blades on radial arm saws and other saws in the facility, failure to provide guards preventing access to the compactor/baler, failure to guard the bite of in-running open roles of calenders and for failure to provide an emergency shower in an area where employees were exposed to corrosive materials. The repeat serious citation was for failing to provide immediate access to an emergency eyewash.

REGULATIONS

New or revised Title 8 California Code of Regulations in FY 2017:

Administrative Regulations:

Section 336, Assessment of Civil Penalties. (Effective September 14, 2017). This rulemaking was initiated in response to statutory maximum and minimum civil penalty increases for certain violation classifications. The statutory changes were triggered by similar increases in the corresponding OSHA civil penalties in 2016.

Safety Regulations:

GISO section 3273(d) (Effective April 1, 2017) – This rulemaking was initiated after the Occupational Safety and Health Standards Board became aware of the impracticality of the installation of catwalks in attics and other ceiling spaces. An exception was included in this section allowing planks or platforms to be utilized in lieu of catwalks in attics and other ceiling spaces.

GISO section 3220 (Horcher, effective June 5, 2017) – Horcher of CFR 1910.38(c)(2) to ensure equivalent efficacy with federal regulations regarding emergency action plans. Federal language for the type of evacuation to be utilized by the employer was incorporated within in 3220(b)(1), as well as language in 3220(b)(2) to clarify that rescue personnel and medical personnel might only perform a single function but not necessarily both.

CSO section 1637(n)(2) (Horcher, effective June 5, 2017) – Horcher of CFR 1926.451(e)(2) to include federal requirements for the maximum bottom rung height and platform requirements for hook-on ladders for scaffold access.

GISO section 4306 (Effective July 1, 2017) – This regulatory amendment was based on an OSHSB review of the requirements of guarding of underhung/slung (Jump) saws. Based on multiple injury incidents evaluated during the review, it was determined that the prior guarding requirements alone were insufficient to ensure safe operation of jump saws. A new subsection was included to require hood type guards to prevent the operator's hands from entering the point of operation.

Health Regulations:

CSO & GISO Sections 1532.3, 5155 and 5204, Silica (Horcher) (Effective October 17, 2016). In response to a 3/25/16 federal final rule, these regulations set the permissible exposure limit (PEL) for silica at 50 micrograms per cubic meter of air, averaged over an eight-hour shift. Employers are required to use engineering controls, work practices, and provide respiratory protection when controls do not limit exposures to the PEL. Employers must also limit access to high exposure areas, train workers, and provide medical exams to highly exposed workers.

GISO Section 3342, Workplace Violence Prevention in Health Care (Effective 1 April 2017). Covered health care employers must protect employees from workplace violence by developing, implementing and reviewing a plan that includes logging violent incidents, training, recordkeeping and reporting certain types of incidents to Cal/OSHA.

GISO Section 5155, Wood dust (Effective 1 July 2017). The existing 8-hour time-weighted average (TWA) Permissible Exposure Limit (PEL) of 5 milligrams per cubic meter of air (mg/M³) is reduced to 2

mg/M³ for wood dust (all soft and hard woods, except Western Red Cedar), and the existing 15-minute short term exposure limit (STEL) of 10 mg/M³ is reduced to 5 mg/M³. For Western Red Cedar the existing PEL of 2.5 mg/M³ (8-hour TWA) is reduced to 0.5 mg/M³.

LEGISLATION

There were several bills that affect Cal/OSHA and DLSE signed by Governor Brown in FY 2017, most of which, while signed in FY 2017, will take effect in January 1, 2018.

AB 55⁵ Hazardous materials management: stationary sources.

Under an existing provision of the Health & Safety Code, workers at high hazard facilities had to receive 20 hours of advanced safety training within the past two years, starting January 1, 2018. An existing occupational safety and health regulation required all workers in refineries, including contractors, to comply with this Health and Safety Code section. Among other things, this bill amends that code section to allow the training to occur within the past *three* years, starting *July* 1, 2018. Cal/OSHA's process safety management unit reviews training for refinery workers, and it will enforce the 20-hour requirement when it takes effect next year.

AB 1649⁶ Oil refineries: public safety.

This bill requires the California Environmental Protection Agency (Cal EPA), in consultation with other agencies, including Cal/OSHA, to examine ways to improve public and worker safety through enhanced oversight of refineries and to strengthen emergency preparedness in anticipation of any future refinery incident. The bill requires Cal EPA, in consultation with other agencies, to facilitate coordination among agencies to protect the public, fence line communities, and refinery workers from risks associated with refinery operations throughout the state. The bill requires public meetings twice a year, which Cal/OSHA will attend.

SB 96⁷ (Budget & Fiscal Review) State Government

Effective June 27, 2017, this bill increased the maximum penalty amount from \$7,000 to \$12,471 for general or regulatory violations and from \$70,000 to \$124,709 for willful or repeat violation; the bill also set a minimum penalty of \$8,908 for willful or repeat violations. These amounts must be increased in accordance with the consumer price index on January 1 of each year. The bill removed special penalty provisions for violations involving asbestos, cranes, and carcinogens, which had previously set the maximum penalties below those imposed for other kinds of violations. The bill also clarified existing law by making it expressly unlawful to discharge or discriminate against an employee for reporting a work-related fatality, injury, or illness; requesting access to occupational injury or illness reports; or exercising any rights protected by the federal Occupational Safety and Health Act.

SB 258⁸ Cleaning Product Right to Know Act of 2017.

This bill imposes labeling requirements on cleaning products sold in California and also requires manufacturers to disclose certain information about those products online. Employers must make these online disclosures available at the workplace in the same manner as Safety Data Sheets. Cal/OSHA will create and enforce a regulation implementing employers' new obligation.

SB 306⁹ Retaliation actions: complaints: administrative review.

The Division of Labor Standards Enforcement (DLSE) enforces anti-retaliation provisions related to occupational safety and health. This bill authorizes DLSE to commence an investigation of an employer, with or without a complaint being filed, when retaliation or discrimination is suspected during the course of a specified investigation by the Labor Commissioner. If the Commissioner finds reasonable cause to

⁵ Bill text - http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB55

⁶ Bill text - http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB1649

⁷ Bill text - http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB96

⁸ Bill text - http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB258

⁹ Bill text - http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB306

find retaliation or discrimination, the bill authorizes the Commissioner to seek injunctive relief or issue a citation. The bill also authorizes employees to seek injunctive relief in civil court.

**SUMMARY OF ANNUAL PERFORMANCE PLAN RESULTS
FOR ENFORCEMENT
FEDERAL FISCAL YEAR 2017**

- Performance Goal 1.1 Targeting the Mobile Workforce
- Performance Goal 1.2 High Hazard Targeting Program
- Performance Goal 1.3 Process Safety Management (PSM) and Covered Industries
- Performance Goal 2.1 Heat Illness Prevention Enforcement and Outreach to Employees and Employer Groups
- Performance Goal 2.2 Educational Outreach to Vulnerable Employee Populations
- Performance Goal 2.3 Partnership Programs
- Performance Goal 3.1 Timeliness of Inspections Opening and Citation Issuance
- Performance Goal 3.2 Imminent Hazards and Fatalities Response Time

GOAL 1.1

Targeting the Mobile Workforce

Strategic Goal: Secure safe and healthy workplaces, particularly in high-risk industries, and improve workplace safety and health through enforcement and consultative assistance.

Performance Goal: Target the mobile workforce to reduce fatalities and occupational injuries and illnesses in construction and agriculture by reducing and eliminating hazards in these industries.

Performance Indicator Type	Indicator	Results	Comments									
Activity Measures	<ul style="list-style-type: none"> Conduct approximately 2,850 inspections combined for both construction and agriculture. Attempt to sustain a 2% higher percentage of the serious classification of citations issued as result of these inspections. 	<ul style="list-style-type: none"> 2,997 combined inspections were conducted, 2,355 in construction and 642 in agriculture during FY 2017, as reflected by OIS as of December 4, 2017. The percent of serious citations issued in FY 2017 to establishments in agricultural and construction NAICS codes which were sustained (with final order dates) were: <table style="margin-left: auto; margin-right: auto; border-collapse: collapse;"> <thead> <tr> <th></th> <th style="text-align: center;">FY 2016</th> <th style="text-align: center;">FY 2017</th> </tr> </thead> <tbody> <tr> <td style="padding-left: 20px;">Agriculture</td> <td style="text-align: center;">85%</td> <td style="text-align: center;">92%</td> </tr> <tr> <td style="padding-left: 20px;">Construction</td> <td style="text-align: center;">83%</td> <td style="text-align: center;">86%</td> </tr> </tbody> </table> <p style="font-size: small; margin-top: 5px;">FY 16 – OIS data as of December 4, 2017 FY 17– OIS data as of December 4, 2017</p> 		FY 2016	FY 2017	Agriculture	85%	92%	Construction	83%	86%	<ul style="list-style-type: none"> This goal was achieved. This goal to sustain a 2% higher percentage of the serious classification of citations issued to establishments in agricultural and construction NAICS Codes in FY 2017 compared to FY 2016 was achieved. These numbers, however, are expected to change as cases are adjudicated.
	FY 2016	FY 2017										
Agriculture	85%	92%										
Construction	83%	86%										

Goal 1.1 Targeting the Mobile Workforce (cont.)

Performance Indicator Type	Indicator	Results	Comments
<p>Outcome Measures Cont.</p>	<ul style="list-style-type: none"> Abatement of non-contested serious hazards found in these industries will be achieved in 95% of cases. Fatality rates in construction and agriculture will be reduced by 0.2 compared to the average for the past three years. Incidence rates for total recordable occupational injury and illness cases per 100 full time employees for Agriculture and Construction will be reduced by 0.1 compared to the average for the past three years. 	<ul style="list-style-type: none"> 96% of not currently contested agricultural and 98% of not currently contested construction serious, willful, and/or repeat (SWR) violations, cited during FY 2017 were abated, as reflected by OIS as of December 12, 2017. 5.2¹⁰ fatality rate was reported in construction and 10.4 in agriculture, forestry, fishing and hunting in CY 2016. 3.8¹¹ incidence rate for total recordable occupational injury and illness cases per 100 full time workers in construction and 5.8 in agriculture, forestry, fishing and hunting in CY 2016. 	<ul style="list-style-type: none"> This goal was achieved. Whenever possible, Cal/OSHA field staff attempt to secure abatement of these hazards while on-site. This goal was achieved. The baseline average fatality rates for the past three years (2014 - 2016)¹² was 5.5 in construction and 11.9 in agriculture, forestry, fishing and hunting. This goal was partially achieved. Nonfatal injuries and illnesses, as measured by the incidence rates for total recordable cases, for the baseline average for the past three years (2014 – 2016)¹³ was 4.0 in construction (goal achieved) and 5.5 in agriculture, forestry, fishing, and hunting (goal not achieved).

¹⁰ Fatal injury rates by state of incident and industry, 2016, available at <https://www.bls.gov/iif/oshwc/cfoi/staterate2016.htm>

¹¹ Table 1. Incidence rates of nonfatal occupational injuries and illnesses by selected industries and case types, 2016 at <http://www.dir.ca.gov/oprl/injuries/2016/2016Table1.pdf>

¹² The fatality rates in construction and agriculture for calendar years 2014, 2015, and 2016 were respectively 4.5, 6.8 and 5.2 in construction and 8.2, 17.1 and 10.4 in agriculture, forestry, fishing and hunting.

¹³ The lost work day incidence rates for calendar years 2014, 2015, and 2016 as reported by DIR's Office of Policy, Research, and Legislation (OPRL) were respectively 4.8, 3.3 and 3.8 in construction and 5.2, 5.6 and 5.8 in agriculture, forestry, fishing and hunting.

GOAL 1.2

High Hazard Targeting Program

Strategic Goal: Secure safe and healthy workplaces, particularly in high-risk industries, and improve workplace safety and health through enforcement and consultative assistance.

Performance Goal: Reduce injuries, illnesses and fatalities in selected high hazard industries, with a goal of removing the specific industry from the High Hazard List due to decreased injury and illness rates.

Performance Indicator Type	Indicator	Results	Comments
Activity Measures	<ul style="list-style-type: none"> The High Hazard Unit and other District Offices staff will conduct 400 targeted inspections of establishments in high hazard industries from the High Hazard Industries list. 	<ul style="list-style-type: none"> 378 targeted inspections were conducted during FY 2017 by the High Hazard Enforcement Unit and other district offices, as reflected by OIS as of December 15, 2017. 	<ul style="list-style-type: none"> The goal to conduct 400 inspections in FY 2017 was not met.
Outcome Measures	<ul style="list-style-type: none"> Abatement of non-contested serious hazards found in these inspections will be achieved in 97% of cases. Percentage of Programmed inspections conducted in High Hazard establishments, with Serious/Willful/Repeat (S/W/R) violations will be 60% or greater. The High Hazard targeting program will identify violations in at least 90% of all programmed inspections during the FFY. Average number of violations per inspection with violations will reach or exceed 5.0. 	<ul style="list-style-type: none"> 100% of serious, willful, and/or repeat violations (SWR), not currently under contest, cited in FY 2017 as the result of HHU targeted inspections and district office programmed inspections (coded REGIONP1) were abated. 56% of Programmed inspections conducted in High Hazard establishments with S/W/R violations in FY 2017 as reflected by OIS as of December 15, 2017. 93% of Programmed inspections conducted in High Hazard establishments had violations cited in FY 2017. Average number of violations per inspection with violations was 7.0 for Programmed inspections with violations cited in FY2017. 	<ul style="list-style-type: none"> This goal was achieved. This goal was not achieved. This goal was achieved. This goal was achieved.

GOAL 1.3

Process Safety Management (PSM) and Covered Industries

Strategic Goal: Secure safe and healthy workplaces, particularly in high-risk industries, and improve workplace safety and health through enforcement and consultative assistance.

Performance Goal: Reduce fatalities and occupational injuries and illnesses in petroleum refining and other industries which fall under the requirement of the PSM standard.

Performance Indicator Type	Indicator	Results	Comments
Activity Measures	<ul style="list-style-type: none"> • The Cal/OSHA Process Safety Management Unit (PSM) will conduct a total of 40 programmed inspections at facilities, other than petroleum refineries, that meet the trigger threshold quantities for the PSM standard. • Participate in five outreach/compliance assistance activities provided to industry/professional groups. • Conduct four comprehensive inspections of petroleum refineries during normal operating conditions, conducted by the PSM Unit. • The PSM Unit will conduct four turnaround inspections of petroleum refineries (two in the North and two in the South), in accordance with Labor Code 7872. 	<ul style="list-style-type: none"> • 54 programmed inspections were conducted at facilities other than petroleum refineries that meet the trigger threshold quantities for the PSM standard, as reflected by OIS on December 11, 2017. • The PSM Unit staff participated in 15 outreach/compliance assistance activities provided to industry/professional groups. • The PSM Unit staff conducted four comprehensive programmed inspections of petroleum refineries (NAICS 324110) during normal operating conditions in FY 2017. • The PSM Unit conducted three turnaround inspections of petroleum refineries (NAICS 324110), one in the North and two in the South, in accordance with Labor Code 7872. 	<ul style="list-style-type: none"> • This goal was achieved. • This goal was achieved. • This goal was achieved. • This goal was partially achieved.

GOAL 1.3 Process Safety Management (PSM) and Covered Industries (cont.)

Performance Indicator Type	Indicator	Results	Comments
Activity Measures Cont.	<ul style="list-style-type: none"> The PSM Unit will conduct follow-up inspections at establishments other than petroleum refineries for 10% of all inspection types, whether programmed or unprogrammed. 	<ul style="list-style-type: none"> Four follow-up inspections were conducted during FY 2017. 	<ul style="list-style-type: none"> This goal was not achieved (4 out of 63 non-refinery, non-follow-up inspections not currently under contest).
Outcome Measures	<ul style="list-style-type: none"> Abatement of non-contested serious hazards found in these industries will be achieved in 98% of cases. The number of fatalities and serious injuries/illnesses attributable to violations of the PSM standard at these facilities will be maintained at the average level for the past three years. 	<ul style="list-style-type: none"> 100% of serious, willful, and/or repeat violations (SWR), not currently under contest, cited during FY 2017 were abated, as reflected OIS as of December 12, 2017. There was one serious injury (no fatalities) attributable to violations of the PSM standard (T8 CCR 5189) at covered facilities during CY 2016, as reflected by OIS reports (using accident investigations conducted by the dedicated Cal/OSHA PSM Unit). 	<ul style="list-style-type: none"> This goal was achieved. This goal was achieved. The average number of fatalities and serious injuries/illnesses attributable to violations of the PSM standard at covered facilities for the past three years (2014 - 2016)¹⁴ was 1.

¹⁴ The number of fatalities and serious injuries/illnesses attributable to violation of the PSM standard for calendar years 2014, 2015 and 2016 were respectively 0, 2 and 1.

Goal 2.1

Heat Illness Prevention Enforcement and Outreach to Employees and Employer Groups

Strategic Goal: Promote workplace cultures that increase employer and employee awareness of, commitment to, and involvement in safety and health.

Performance Goal: Raise awareness of heat illness prevention among employees and employer groups in outdoor places of employment.

Performance Indicator Type	Indicator	Results	Comments
Activity Measures	<ul style="list-style-type: none"> • Conduct 2,500 inspections of outdoor places of employment where heat hazards are evaluated. • Conduct a minimum of 90 seminars where heat illness prevention will be emphasized. • Distribute a minimum of 7,000 units of heat illness prevention outreach materials during inspections and outreach events. 	<ul style="list-style-type: none"> • 2,755 combined inspections where heat hazards were evaluated (coded S 18 HEAT) were conducted during FY 2017: 2,186 in construction and 569 in agriculture NAICS Codes, as reflected by OIS on December 11, 2017. • 110 seminars/workshops were conducted where heat illness was emphasized during FY 2017. In all, Cal/OSHA Enforcement staff participated in over 150 outreach events where heat illness prevention was addressed, including TV and radio interviews. • Staff distributed over 37,000 units of heat illness prevention materials during outreach events alone. 	<ul style="list-style-type: none"> • This goal was achieved. • This goal was achieved. Cal/OSHA continues to collaborate with various employers, labor groups, community based organizations and local governments to train employers and employees on heat illness prevention. • This goal was achieved.
Outcome Measures	<ul style="list-style-type: none"> • Abatement of non-contested heat hazards found in outdoor places of employment will be achieved in 94% of cases. 	<ul style="list-style-type: none"> • 92% of 3395 violations, not currently under contest, cited during FY 2017 (all industries) were abated, as reflected by OIS as of December 12, 2017. 	<ul style="list-style-type: none"> • This goal was not reached. Cal/OSHA will continue to work with employers to obtain abatement.

GOAL 2.1 Heat Illness Prevention Enforcement and Outreach to Employees and Employer Groups (cont.)

Performance Indicator Type	Indicator	Results	Comments
<p>Outcome Measures</p>	<ul style="list-style-type: none"> Maintain the number of heat-related serious illnesses and fatalities occurring in outdoor places of employment, based on Cal/OSHA internal tracking, at the average level for calendar years 2011-2013. 	<ul style="list-style-type: none"> There was one confirmed outdoor heat related fatality and 52 confirmed heat illnesses in CY 2016, based on Cal/OSHA internal tracking. 	<ul style="list-style-type: none"> This goal was achieved. The baseline average number of heat fatalities for CY 2011 - 2013)¹⁵ was 3. The baseline average number of heat-related illnesses for CY 2011 – 2013¹⁶ was 52.

¹⁵ The number of worker fatalities due to outdoor heat exposure for calendar years 2011, 2012 and 2013 based on Cal/OSHA internal tracking were respectively 2, 3, and 4.

¹⁶ The number of heat-related illness for calendar years 2011, 2012 and 2013 based on Cal/OSHA internal tracking were respectively 54, 48 and 54.

Goal 2.2

Educational Outreach to Vulnerable Employee Populations

Strategic Goal: Promote workplace cultures that increase employer and employee awareness of, commitment to, and involvement in safety and health.

Performance Goal: Promote and interact with high-risk worker organizations about workplace safety and health.

Performance Indicator Type	Indicator	Results	Comments
<p>Activity Measures</p>	<ul style="list-style-type: none"> • Cal/OSHA Enforcement Branch will continue to distribute publications and flyers to employers, supervisors, foremen and workers in English and other languages that detail the requirements of Cal/OSHA regulations including worker rights. Publication distribution will exceed 15,000 in total. • The Division will conduct 110 events in FY 2017 by the BOT and regular DOSH staff at events with <i>vulnerable</i> workers organized by worker and community organizations, the UC programs, and consulates. 	<ul style="list-style-type: none"> • Over 68,000 publications and flyers distributed during FY 2017 outreach events with <i>vulnerable</i> workers. • Cal/OSHA Enforcement staff participated in approximately 170 outreach events with <i>vulnerable</i> workers. 	<ul style="list-style-type: none"> • This goal was achieved. • This goal was achieved.

Goal 2.2 Educational Outreach to Vulnerable Employee Populations (cont.)

Performance Indicator Type	Indicator	Results	Comments
<p>Outcome Measures</p>	<ul style="list-style-type: none"> • At least 1,100 event participants will come away with increased knowledge of workplace health and safety hazards, workers' rights under the law and how to exercise these. An additional 19,000 workers will gain this information from trainings conducted by participants in the DOSH events. • The Farm Labor Contractor (FLC) Safety and Health guide will be translated into Spanish. 	<ul style="list-style-type: none"> • There were over 35,000 attendees at FY 2017 outreach events with <i>vulnerable</i> workers. Based on this information, it is safe to infer that at least 1,100 event participants came away with increased knowledge of workplace health and safety hazards, workers' rights under the law and how to exercise these. It is also safe to conclude that over 19,000 workers gained health and safety knowledge from the workshops, training and other events. • The English-language FLC guide, now called Safety and Health in Agricultural Field Operations, has been completed and will be ready for posting to the internet soon. The translation of this publication has begun. 	<ul style="list-style-type: none"> • This goal was achieved. • This goal was partly achieved.

Goal 2.3

Partnership Programs

Strategic Goal: Promote workplace cultures that increase employer and employee awareness of, commitment to, and involvement in safety and health.

Performance Goal: Promote voluntary compliance by offering employers a variety of partnerships including recognition and exemption programs.

Performance Indicator Type	Indicator	Results	Comments
Activity Measures	<ul style="list-style-type: none"> Cal/VPP and Cal/VPP Construction Units will hold one workshop each to promote Cal/VPP and Cal/VPP Construction. 	<ul style="list-style-type: none"> Three workshops were held during FY 2017 to promote Cal/VPP and two to promote Cal/VPP Construction. 	<ul style="list-style-type: none"> This goal was surpassed.
Outcome Measures	<ul style="list-style-type: none"> Three new establishments will be added into the Division's leadership level for fixed site establishments (Cal/VPP) and 30 will be renewed, for a total of 74 VPP sites. Ten new establishments will be added into the Division's leadership level partnership program for construction VPP worksites and 1 will be renewed, for a total of 37 VPP-C sites. 	<ul style="list-style-type: none"> Six new VPP sites were added into the Divisions leadership level for fixed establishments and 28 were renewed, during FY 2017. 68 VPP sites were in effect at the end of FFY 2017. Six new establishments were added into the Division's leadership level partnership program for construction VPP worksites and none were renewed during FY 2017. 23 VPP-C sites were in effect at the end of FFY 2017. 	<ul style="list-style-type: none"> This goal was for the most part achieved. This goal was partially met.

Goal 3.1

Timeliness of Inspections Opening and Citations Issuance

Strategic Goal: Maximize Cal/OSHA's effectiveness and enhance public confidence.

Performance Goal: Respond effectively to mandates so that workers are provided full protection under Cal/OSHA by timely response to formal complaints and to nonfatal accidents, as well as by timely issuance of citations, so that hazards could be timely corrected.

Performance Indicator Type	Indicator	Results	Comments
Activity Measures	<ul style="list-style-type: none"> • Cal/OSHA district offices will run on a weekly basis the “UPA Tracking” report to monitor the unsatisfied complaints, and will run monthly the “UPA One Liner Detail” report to track complaint response time. • Cal/OSHA district offices will run monthly the “Open Inspection” report and work with CSHOs to expedite citation issuance. • All Cal/OSHA offices will monitor SAMMs and other management reports to track progress of citations lapse time. 	<ul style="list-style-type: none"> • Cal/OSHA staff ran the OIS “UPA Tracking” report on a weekly basis to monitor the unsatisfied complaints, and ran the “UPA One Liner Detail” report monthly to track complaint response time • Cal/OSHA staff ran the OIS Open Inspections report on a monthly basis and worked with CSHOs to identify less complicated cases without serious citations with the goal of issuing citations as soon as possible. • Cal/OSHA staff ran the OIS SAMMs, and Open Inspection reports to track citation lapse time and other measures. 	<ul style="list-style-type: none"> • This goal was achieved. • This goal was achieved. • This goal was achieved.
Outcome Measures	<ul style="list-style-type: none"> • Respond to formal serious complaints on average within 3 working days and to formal non-serious complaints on average within 14 calendar days of receipt of the complaint. 	<ul style="list-style-type: none"> • Cal/OSHA responded within an average of 3.73 working days to ALL serious complaints (formal and non-formal), and within 16.62 calendar days to ALL non-serious complaints (formal and non-formal). 	<ul style="list-style-type: none"> • This goal has not been achieved.

Goal 3.1 Timeliness of Inspections Opening and Citations Issuance (cont.)

Performance Indicator Type	Indicator	Results	Comments															
<p>Outcome Measures</p>	<ul style="list-style-type: none"> Average number of days for citations issuance will decrease for both safety and health inspections. Percentage of serious violations abated during inspection will increase by 3% compared to previous year. 	<ul style="list-style-type: none"> Citation lapse time as reported by OIS SAMMs reports as follows: <table border="1" data-bbox="997 391 1341 573"> <thead> <tr> <th></th> <th>FY 2016</th> <th>FY 2017</th> </tr> </thead> <tbody> <tr> <td>Safety</td> <td>68.45</td> <td>74.07</td> </tr> <tr> <td>Health</td> <td>73.87</td> <td>75.83</td> </tr> <tr> <td colspan="3">FY 2016 OIS SAMMs #11 dated 12/2/16</td> </tr> <tr> <td colspan="3">FY 2016 OIS SAMMs #11 dated 12/11/17</td> </tr> </tbody> </table> 68% of serious, willful, repeat (SWR) violations cited during FY 2017 were abated on site, as reflected by OIS as of December 13, 2017. 		FY 2016	FY 2017	Safety	68.45	74.07	Health	73.87	75.83	FY 2016 OIS SAMMs #11 dated 12/2/16			FY 2016 OIS SAMMs #11 dated 12/11/17			<ul style="list-style-type: none"> This goal was not met. This goal was not achieved. The percentage of SWR violations cited during FY 2016 that were abated during inspection was 69%, as reflected by OIS as of December 13, 2017.
	FY 2016	FY 2017																
Safety	68.45	74.07																
Health	73.87	75.83																
FY 2016 OIS SAMMs #11 dated 12/2/16																		
FY 2016 OIS SAMMs #11 dated 12/11/17																		

Goal 3.2

Imminent Hazards and Fatalities Response Time

Strategic Goal: Maximize Cal/OSHA's effectiveness and enhance public confidence.

Performance Goal: Respond effectively to mandates so that workers are provided full protection under Cal/OSHA by timely response to imminent hazards and to work related fatality reports.

Performance Indicator Type	Indicator	Results	Comments
Activity Measures	<ul style="list-style-type: none"> Use the SAMMs report to monitor, on a monthly basis, response times to imminent hazard complaints/referrals, as well as fatality investigations and correct data entry errors that occur. 	<ul style="list-style-type: none"> Cal/OSHA staff ran the OIS SAMMs report on a monthly basis and monitored response times to imminent hazard complaints/referrals, as well as fatality investigations and corrected any data entry errors identified. 	<ul style="list-style-type: none"> This goal was achieved.
Outcome Measures	<ul style="list-style-type: none"> Respond to 100% of imminent hazard complaints/referrals within one day of receipt. Cal/OSHA will also respond to 100% work related fatality reports within one day of receipt. 	<ul style="list-style-type: none"> 100% of all imminent hazard complaints/referrals were responded to within one day of receipt, as reflected by SAMMs #3 as of December 11, 2017. 98.14% of work related fatalities (158 out of 161) were opened within one workday, as reflected by SAMMs #10 as of December 11, 2017. 	<ul style="list-style-type: none"> This goal was achieved. This goal was not achieved. Three work related fatalities were identified as having a response time greater than one day. After close review of these three fatalities, it was found that: <ul style="list-style-type: none"> 1 – jurisdiction had to be resolved; and 2 – were opened late

¹ The percentage of inspections opened in 2016 and completed in 2016 or later where no violations of section 3395 were cited, compared to all inspections opened in 2016 and completed in 2016 or later where compliance with section 3395 was evaluated.